

Republic of the Fiji Islands

**Partial Submission to the Commission on the
Limits of the Continental Shelf in Respect of the
South East Region of the North Fiji Basin,
Lau-Colville, Tonga-Kermadec Complex**

Executive Summary

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A. Introduction

In consideration of the provisions of Article 76, paragraph 10 and Article 9, Annex II of the United Nations Convention on the Law of the Sea (Convention), and in accordance with the provisions of paragraph 2 of Annex I to the Rules of Procedure of the Commission on the Limits of the Continental Shelf (Commission), the Republic of the Fiji Islands (Fiji) makes this partial submission without prejudice to any matters relating to unresolved maritime boundary delimitation issues with New Zealand and with the Kingdom of Tonga.

Fiji signed the Convention on the day that it was opened for signature, 10 December 1982, at Montego Bay, Jamaica. Reflecting the special importance of the sea in the life of Fiji, the Republic of the Fiji Islands became the first State to ratify the convention, doing so on the day the Convention was opened for Signature. The Convention entered into force for Fiji on 16 November 1994.

Under the provisions of Article 76, paragraph 8 and Article 4, Annex II of the Convention, as supplemented by the decisions of the Eleventh Meeting of State Parties to the Convention, SPLOS/72, regarding the ten-year time period, a coastal State for which the Convention entered into force before 13 May 1999 is required to submit particulars of the outer limits of the continental shelf to the Commission, together with supporting scientific and technical data, by 13 May 2009. This partial submission contains information on the delineation of the outer limits of the continental shelf in the South Eastern Region of the North Fiji Basin, Lau-Colville and Tonga Kermadec Complex (South East Region) beyond 200 nautical miles (M) from the baselines from which the breadth of the territorial sea of Fiji is measured and therefore fulfils that obligation.

The rights of Fiji over the continental shelf exist *ipso facto* and *ab initio*, as reflected in Article 77 of the Convention.

This Submission is made subject to the provisions of Article 83, paragraph 1 of the Convention, in that negotiation of continental shelf entitlements between Fiji, New Zealand and Tonga in the South Fiji Basin are incomplete.

In accordance with the provisions of Annex I, paragraph 3 to the Rules of Procedure, this Submission represents a partial submission in respect of only one region of the extended continental shelf of Fiji.

Pursuant to the *Decision regarding the workload of the Commission on the Limits of the Continental Shelf and the ability of States, particularly developing States, to fulfill the requirements of article 4 of annex II to the United Nations Convention on the Law of the Sea, as well as the decision contained in SPLOS/72, paragraph (a) (SPLOS/183)* Fiji has communicated preliminary information in collaboration with neighboring States with respect to two other Regions of continental shelf. These regions are: the Charlotte Bank Region, A region in which the Solomon Islands also has continental shelf beyond 200 nautical miles (M); and the North Fiji Basin Region in which both the Republic of Vanuatu and the Solomon Islands also have a continental shelf beyond 200 M (see figure 1).

B. Maps and Coordinates

Two figures have been supplied in this executive summary. The first figure provides an overview of the areas of Fiji's continental shelf including the area of this partial submission and the two outstanding areas covered by the communication of preliminary information consistent with the decision of SPLOS/183. The second figure depicts the outer limit line and fixed points that define this outer limit line according to the relevant provisions of article 76 invoked.

A List of coordinates of the fixed points that define the outer limit of Fiji's extended continental shelf in its submission to the Commission is supplied in the attached annexe. The points are supplied in decimal degrees. The provision of article 76 used to define each fixed point, as well as the distance between adjacent points, is indicated in the annexe.

C. Commission members who provided advice during the preparation of the submission

Fiji has been assisted in the preparation of the submission by

Dr. Philip A. Symonds

Dr. Karl H.F. Hinz, a former member of the Commission (1997 - 2002).

No advice was provided by any other member of the Commission.

D. Provisions of Article 76 invoked in support of the submission

Fiji invokes paragraphs 4(a)(ii), 4(b), 5, 6 and 7 of article 76 to support its submission delineating the outer limit of the continental shelf beyond 200 M from the territorial sea baselines.

E. Outstanding Maritime Delimitations

Fiji has outstanding delimitations in the area of this partial submission with the Kingdom of Tonga and New Zealand. It should be noted, however, that Fiji's submission is made without prejudice to outstanding delimitations, consistent with article 76, paragraph 10 and Annex II, article 9 of UNCLOS.

F. Note of Authentication

All maps, charts and databases forming part of Fiji's submission were prepared by the competent Fijian Agencies responsible within Fiji for preparing such material and for certifying its quality and reliability. The following agencies were involved in the preparation of the submission.

- Ministry of Foreign Affairs, International Cooperation and Civil Aviation
- Attorney General's Office and Ministry of Justice
- Ministry for Fisheries and Forests
- Ministry for Home Affairs, Immigration and National Disaster Management
- Ministry for Lands, Mineral Resources and Environment
- Ministry for Transport and Works
- Ministry for Local Government, Housing and Squatter Settlement

At paragraph 58 of the recommendations for New Zealand the Commission has accepted that “Based on the Literature and the evidence in the Submission, the Commission agrees that the Kermadec and Colville Ridge system...are natural components of the continental margin of the North Island of New Zealand and may be classified as submarine elevations in the sense of article 76, paragraph 6. Hence the depth constraint line originating from these elevations may be applied....” Fiji argues that as the Fijian islands in general, and the Lau Group of islands in particular which lie upon of the Lau-Coville Ridge , were formed by the processes that gave rise to the Lau-Colville and Tonga-Kermadec Ridges in respect of Fiji the Lau-Colville and Tonga-Kermadec ridges must also be classified as submarine elevations in the sense of article 76, paragraph 6. Hence the depth constraint line originating from these elevations may be applied in respect of Fiji.

The outer limit of the continental shelf of Fiji in the South East Region encompasses an area of approximately 226,000 km² beyond the territorial sea baselines of Fiji, defined by 65 fixed point:

- 1 is a point where the outer limit of the extended continental shelf joins to the line 200 M from Fiji’s territorial sea baseline (article 76, paragraph 1)
- 46 are defined by arcs 60 M from the foot of slope (article 76, paragraph 4(a)(ii))
- 19 are defined by arcs 100 M from the 2500 m isobath (article 76, paragraph 5 and 6)
- 2 are points where the continental shelf of Fiji intersects the line 200 M from New Zealand’s territorial sea baseline
- 1 is a point where the continental margin of Fiji intersects the line 200 M from Tonga’s territorial sea baseline.

Each successive pair of fixed points is connected by a straight line not exceeding 60 M in length.

In addition to these fixed points, in the north-east the continental shelf is defined by the 200 M line constructed from the baselines of the Kingdom of Tonga and in the south-east by the 200 M line constructed from New Zealand.

The list of points delineating the outer limit of Fiji’s extended continental shelf in the South East Region is contained in the attached Annexes.

The following provisions of article 76, as well as paragraphs 4(b) and 7, are invoked to support the submission for the outer limit of the extended continental shelf in the Three Kings Ridge region:

- Subparagraph 4(a)(ii).
- Paragraph 5.
- Paragraph 6.

There are outstanding delimitations with both the Kingdom of Tonga and New Zealand in the area of this partial submission. It should be noted, however, that Fiji’s submission is made without prejudice to outstanding delimitations, consistent with article 76, paragraph 10 and Annex II, article 9 of UNCLOS.

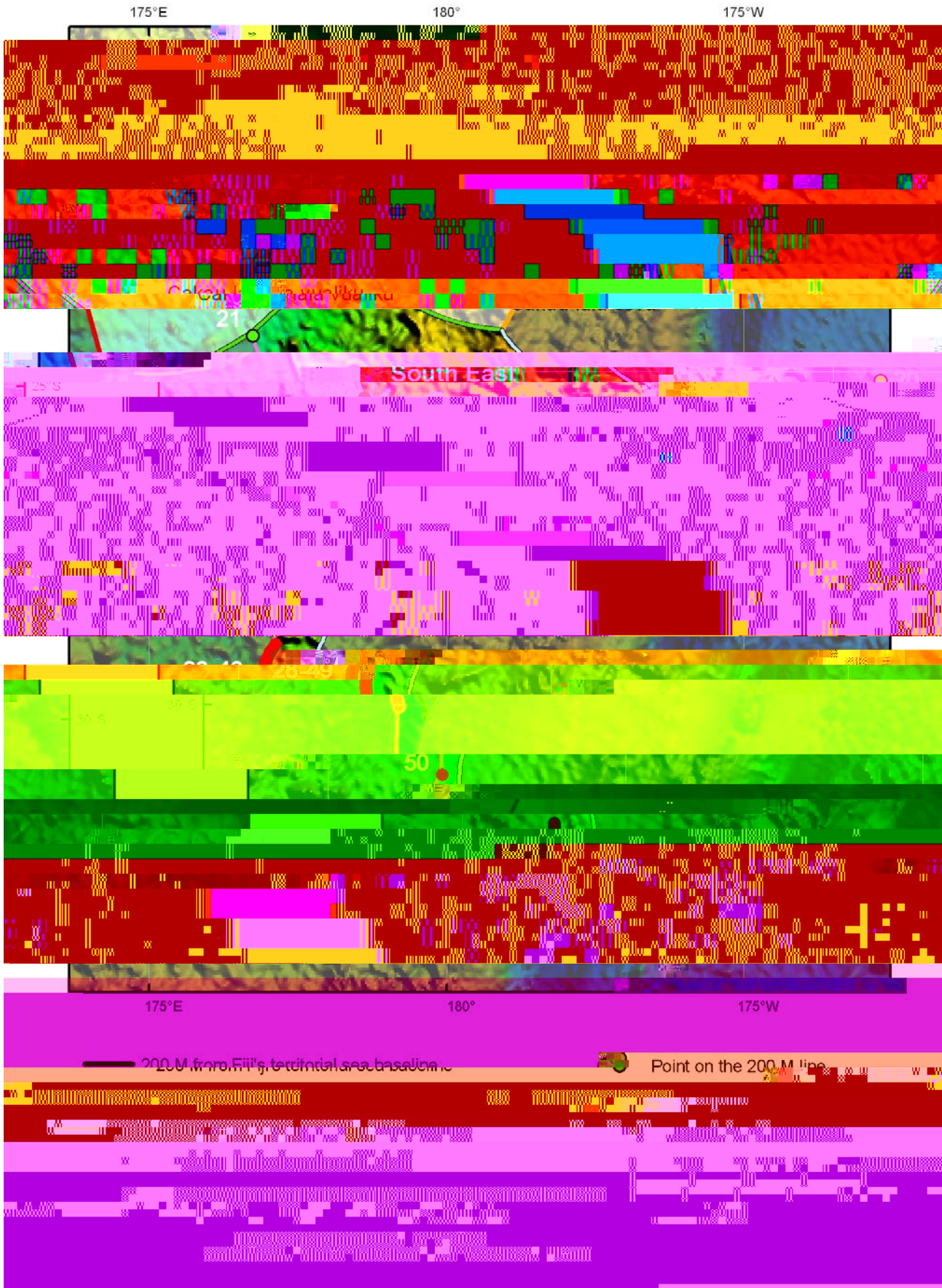


Figure 2. Map of the outer limit of the Republic of Fiji's extended continental shelf in the South East Region of the North Fiji Basin, Lau-Colville and Tonga Kermadec Complex

Annex

Tables listing the points defining the outer limit of the Republic of Fiji's extended continental shelf in decimal degrees

Table 1. ECS Points Defining the Eastern Margin of the South East Region of the North Fiji Basin, Lau-Colville and Tonga Kermadec Complex

ECS Point	Longitude	Latitude	Distance to previous point (M)		Article 76 Provision Invoked
FIJI-ECS-1	174.680267° W	27.433605° S			200 M
FIJI-ECS-2	174.663406° W	27.390142° S	2.752083		Depth
FIJI-ECS-3	174.647858° W	27.3462	4.723	W0	T267.12

